

**CITY OF NEWARK
DELAWARE
CITY COUNCIL
PUBLIC HEARING
NOTICE**

AUGUST 27, 2007 - 7:30 P.M.

Pursuant to Section 402.2 of the City Charter of the Code of the City of Newark, Delaware, notice is hereby given of a public hearing at a regular meeting of the Council in the Council Chamber at the Municipal Building, 220 Elkton Road, Newark, Delaware, on Monday, August 27, 2007 at 7:30 p.m., at which time the Council will consider for Second Reading and Final Passage the following proposed Ordinances:

- ✓ **Bill 07-27** - An Ordinance Amending Chapter 20, Motor Vehicles & Traffic, Code of the City of Newark, Delaware, By Establishing Enforcement Authority in Private Parking Lots or Areas in the City of Newark

- Bill 07-28** - An Ordinance Amending Chapter 20, Motor Vehicles & Traffic, Code of the City of Newark, Delaware, By Bringing the Code Into Conformity with the State Code Pertaining to the Criteria for Entry Into the First Offender's Program and the Length of License Revocation for Individuals with High blood Alcohol Levels

Susan A. Lamblack, MMC
City Secretary

/av

Advertised: Newark Post – August 17 & August 24, 2007

BILL NO. 07-27

1st Reading 8/13/07

2nd Reading _____

CITY OF NEWARK
DELAWARE

ORDINANCE NO. 07 - ____

An Ordinance Amending Chapter 20, Motor Vehicles & Traffic, Code of the City of Newark, Delaware, By Establishing Enforcement Authority in Private Parking Lots or Areas in the City of Newark

THE COUNCIL OF THE CITY OF NEWARK HEREBY ORDAINS:

That Chapter 20, Motor Vehicles & Traffic, Article XVIII, **Towing and Impounding Vehicles** Generally, Code of the City of Newark, Delaware, be hereby amended in the following respect:

AMENDMENT 1. Amend Section 20-121, Generally, Subsection (a), *Generally; authority*, by deleting it in its entirety which reads as follows:

"Whenever any vehicle of any kind or character shall be found on any street, highway, or alley, within the city, wrecked, abandoned, or parked in violation of any laws of the state, or the provisions of this chapter or other ordinance of the City of Newark, any regulation issued by the city manager, or police department, now or hereafter in force, or shall be seized for any violation thereof, such vehicle shall be issued an appropriate citation, or immobilized in such manner as to prevent its operation, or removed by authority of the City, owner or person for the time being in charge thereof is present and shall express a willingness and intention to immediately remove such vehicle before it is actually being towed, the vehicle shall be released to the owner or person in charge who shall be required to pay the same fine as called for in Section 20-240."

and substitute in lieu thereof the following new language:

"(a) *Generally; authority.* Whenever any vehicle of any kind or character shall be found within the city on any street, highway, alley, public parking lot or private parking lot containing in excess of four spaces, wrecked, abandoned, or parked in violation of any laws of the state, or the provisions of this chapter or other ordinance of the City of Newark, or

whenever such vehicle has accumulated unpaid fines and/or summonses in excess of the amounts set forth in subsection (d) of this section, any regulation issued by the city manager, or police department, now or hereafter in force, shall be seized for any violation thereof, such vehicle shall be issued an appropriate citation, and/or shall be immobilized in such manner as to prevent its operation, and/or shall be removed by authority of the City of Newark, city manager, and/or police department, to an official pound; provided that if the owner or operator of said vehicle is present and shall express a willingness and intention to immediately remove such vehicle before it has been immobilized or affixed to a tow vehicle, said vehicle shall be released to the owner or person in charge who shall be required to pay the same fine as imposed under Section 20-240 of this Code. No vehicle shall be released to its owner or operator if the immobilization or towing thereof is due to the accumulation of unpaid fines and/or summonses in excess of the amounts set forth in subsection (d) of this section, which summonses or fines shall be cleared by the owner or operator before said vehicle is released."

MOTION for Acceptance as First Reading on August 13, 2007,

By Council Member Markham.

Second Reading and Final Passage on _____, 2007

VOTE: _____ to _____.

Mayor

Attest:

City Secretary

Approved as to Legality & Form:

City Solicitor

CITY OF NEWARK
Delaware

July 18, 2007

TO: Carl F. Luft, City Manager
FROM: Charles M. Zusag, Assistant to the City Manager *CMZ*
SUBJ: Proposed Amendment to City Code
Authorization to Tow/Boot

In the course of reviewing a citizen question about handicapped parking regulations, I discovered an omission in City Code Section 20-121, Towing and Impounding Vehicles. The current code language did not clearly authorize the City to tow/boot a legally parked scofflaw from a private parking lot. This language to amend the City Code was drafted by the City Solicitor and reviewed by me and the Police Department. It is intended to rectify that situation and permit the towing/booting of legally parked scofflaws from private parking lots with more than four spaces.

CMZ/cz